

Program D: Risk Litigation

Program Authorization: Act 448 of 1988 (created Litigation Division); Act 107 of 1999 (reauthorized Litigation Section); R.S. 36:701(D) and 704(F); R.S. 39:1533(B)

Program Description

The mission of the Risk Litigation Program (which is organizationally expressed as the Litigation Division) is to provide legal representation for the Office of Risk Management in the Division of Administration, the Self- Insurance Fund, the State of Louisiana and its departments, agencies, boards and commissions and their officers, officials, employees, and agents in all claims covered by the State Self-Insurance Fund, and in all tort claims whether or not covered by the Self-Insurance Fund.

The goals of the Risk Litigation Program are:

1. Provide superior legal and professional services to the Office of Risk Management.
2. Continue to develop extensive expertise in the defense of public entities, officials, and employees, and strive to retain highly competent and professional litigation staff.
3. Continue to develop programs to educate agency policy makers to recognize and correct potential liability situations.

The Litigation Division is divided into five substantive law sections: Civil Rights, General Liability; Medical Malpractice, Road Hazards, and Workers' Compensation. The division has five regional offices (in Alexandria, Lafayette, Lake Charles, New Orleans, and Shreveport) that handle litigation filed in the geographical areas covered by the regional offices.

- The Civil Rights Section represents state officials, employees, state agencies, and the State of Louisiana in damages action litigation brought on the basis of the Civil Rights Act of 1964, as amended; state statutes dealing with employment discrimination; and prisoner suits brought pursuant to R.S. 15:1171 et seq. Defended actions also include diverse suits as Americans with Disabilities Act claims, Age Discrimination Act claims, Pregnancy Discrimination Act claims, Fair Labor Standards Act claims, and Federal Individualized Education Act (IDEA) suits. As an adjunct to Civil Rights Act suits, the section also defends claims for attorney's fees under 42 USC § 1988.
- The General Liability Section provides legal defense to the state, state agencies, and employees against tort litigation in regard to claims of personal injuries or property damages that allegedly occurred on state property or were caused by a state employee or officer.
- The Medical Malpractice Section is responsible primarily for handling malpractice cases against public health care providers (as defined by R.S. 40:1299.39).
- The Road Hazards Section provides legal defense to the Louisiana Department of Transportation and Development (DOTD) in all lawsuits for personal injury, property damage, wrongful death and business losses attendant to DOTD operations and/or conditions of DOTD roads, bridges, or other property. The section typically handles lawsuits involving maintenance, design, construction, and operations of DOTD's roads and bridges.
- The Workers' Compensation Section is responsible primarily for handling litigated workers' compensation matters filed against the state, along with providing support for other related concerns, such as advice to the Office of Risk Management regarding claims and handling of settlements, as appropriate. The section also is responsible for Jones Act and maritime matters filed by state employees and pursuit of subrogation claims that are referred by the Office of Risk Management.

RESOURCE ALLOCATION FOR THE PROGRAM

	ACTUAL 2001-2002	ACT 13 2002-2003	EXISTING 2002-2003	CONTINUATION 2003-2004	RECOMMENDED 2003-2004	RECOMMENDED OVER/(UNDER) EXISTING
MEANS OF FINANCING:						
STATE GENERAL FUND (Direct)	\$0	\$0	\$0	\$0	\$0	\$0
STATE GENERAL FUND BY:						
Interagency Transfers	0	11,125,814	11,125,814	11,461,661	11,842,271	716,457
Fees & Self-gen. Revenues	10,876,188	0	0	0	0	0
Statutory Dedications	0	0	0	0	0	0
Interim Emergency Board	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
TOTAL MEANS OF FINANCING	\$10,876,188	\$11,125,814	\$11,125,814	\$11,461,661	\$11,842,271	\$716,457
EXPENDITURES & REQUEST:						
Salaries	\$7,585,148	\$7,835,831	\$8,165,338	\$8,202,814	\$7,724,246	(\$441,092)
Other Compensation	63,722	65,000	65,000	65,000	65,000	0
Related Benefits	1,416,907	1,067,795	1,323,812	1,578,725	1,317,751	(6,061)
Total Operating Expenses	1,433,048	1,273,854	1,091,854	914,920	991,606	(100,248)
Professional Services	21,348	21,375	21,375	21,907	171,375	150,000
Total Other Charges	91,862	307,959	122,959	124,295	938,293	815,334
Total Acq. & Major Repairs	264,153	554,000	304,000	554,000	634,000	330,000
UNALLOTTED	0	0	31,476	0	0	(31,476)
TOTAL EXPENDITURES AND REQUEST	\$10,876,188	\$11,125,814	\$11,125,814	\$11,461,661	\$11,842,271	\$716,457
AUTHORIZED FULL-TIME						
EQUIVALENTS: Classified	0	0	0	0	0	0
Unclassified	171	171	171	171	171	0
TOTAL	171	171	171	171	171	0

SOURCE OF FUNDING

This program is funded with Interagency Transfers. Interagency Transfers are derived from the Office of Risk Management for investigative and legal services.

MAJOR FINANCIAL CHANGES

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
\$0	\$11,125,814	171	ACT 13 FISCAL YEAR 2002-2003
			BA-7 TRANSACTIONS:
\$0	\$0	0	None
\$0	\$11,125,814	171	EXISTING OPERATING BUDGET - December 2, 2002
\$0	\$554,000	0	Acquisitions & Major Repairs
\$0	(\$304,000)	0	Non-Recurring Acquisitions & Major Repairs
\$0	\$730,334	0	Rent in State-Owned Buildings
\$0	(\$318,591)	0	Salary Base Adjustment
\$0	(\$191,945)	0	Attrition Adjustment
\$0	\$73,425	0	Group Insurance Adjustment
\$0	(\$10,042)	0	Other Non-Recurring Adjustments - Non-recur the Office of Group Benefits premium adjustment
\$0	(\$31,476)	0	Other Non-Recurring Adjustments - Non-recur amount unallotted per Act 844 of 2001 budget adjustment
\$0	(\$203,348)	0	Other Adjustments - Reduced rent costs for space in privately owned buildings due to move to the Livingston Building
\$0	\$6,000	0	Other Adjustments - Funding for Federal Bar dues for the Risk Litigation attorneys litigating in federal court
\$0	\$150,000	0	Other Adjustments - Funding for Trial Advocacy Skills Program to train department employees
\$0	\$17,100	0	Other Adjustments - Funding for software licenses, Adobe Acrobat, to create and read documents in the software format that is now required by federal courts in Louisiana
\$0	\$80,000	0	Other Adjustments - Mock courtroom projector system for trial preparation
\$0	\$85,000	0	Other Adjustments - Funding for maintaining high feed lines for the video conference center between the regional offices
\$0	\$80,000	0	Other Adjustments - Funding for file archive space
\$0	\$11,842,271	171	TOTAL RECOMMENDED
\$0	\$0	0	LESS GOVERNOR'S SUPPLEMENTARY RECOMMENDATIONS
\$0	\$11,842,271	171	BASE EXECUTIVE BUDGET FISCAL YEAR 2003-2004
			SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE:
\$0	\$0	0	None

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MAJOR FINANCIAL CHANGES

GENERAL FUND	TOTAL	T.O.	DESCRIPTION
\$0	\$0	0	TOTAL SUPPLEMENTARY RECOMMENDATIONS CONTINGENT ON NEW REVENUE
\$0	\$11,842,271	171	GRAND TOTAL RECOMMENDED

PROFESSIONAL SERVICES

\$150,000	Trial Advocacy Skills Program
\$21,375	To be determined, additional legal contract services deemed required to carry out mission of the department
\$171,375	TOTAL PROFESSIONAL SERVICES

OTHER CHARGES

\$18,640 Utilization of court reporters, travel of witnesses, court costs, etc.

\$18,640 SUB-TOTAL OTHER CHARGES

Interagency Transfers:

\$730,334 Portion of the rent cost in the Livingston Building

\$29,867 Capitol Security - Public Safety Services

\$159,452 Office of Telecommunication Management fees

\$919,653 SUB-TOTAL INTERAGENCY TRANSFERS

\$938,293 TOTAL OTHER CHARGES

ACQUISITIONS AND MAJOR REPAIRS

\$120,000	Replacement of Library Reference materials
\$434,000	Replacement of data processing and various office equipment
\$80,000	Mock courtroom projector system for trial preparation
\$634,000	TOTAL ACQUISITIONS AND MAJOR REPAIRS